

Judge Charles R. Weiner

Judge Weiner was born on June 21, 1922 in Philadelphia, Pennsylvania. He served in the United States Navy from 1941 to 1945. He received an A.B. from the University of Pennsylvania in 1947 and an LL.B. from Temple University in 1949. Judge Weiner also received an M.A. from the University of Pennsylvania in Political Science in 1967 and a Ph.D. in Political Science in 1972. From 1952 to 1953, Judge Weiner served as an Assistant District Attorney in Philadelphia County. From 1952 until 1967, Judge Weiner represented Philadelphia County as a member of the Pennsylvania Senate, serving as Minority Floor Leader during 1959-1960 and 1963-1964 and as Majority Floor Leader during 1961-1962. Judge Weiner was appointed to the United States District Court for the Eastern District of Pennsylvania on June 14, 1967. He assumed senior status on January 1, 1989.

PRELIMINARY GENERAL MATTERS

1. *Correspondence With the Court*

Judge Weiner permits correspondence from counsel for virtually all purposes, including scheduling matters, extensions of time, and other pretrial matters. Copies of such correspondence should be sent to all counsel.

2. *Communications With Law Clerks*

Judge Weiner desires that counsel not call his law clerks, secretary, or deputy clerk. He prefers that they contact him directly by sending him a letter with copies to all counsel, filing motions, or arranging a telephone conference with all parties involved.

3. *Telephone Conferences*

Judge Weiner permits telephone conferences for virtually all matters, including pretrial conferences, scheduling, extensions of time, and other matters requiring the Court's attention. It is the responsibility of counsel to arrange such telephone conferences and to contact Judge Weiner when all counsel are on the line.

4. *Oral Arguments and Evidentiary Hearings*

Judge Weiner does not set aside certain days or times for oral arguments or evidentiary hearings. These are held at the request of counsel and at the convenience of the Court and counsel.

5. *Pro Hac Vice Admissions*

Judge Weiner does not require formal motions for *pro hac vice* admissions. He prefers that such motions be made at the initial pretrial conference, which is normally held approximately 90 days after the filing of the complaint. So long as there are no objections by opposing counsel, Judge Weiner normally grants *pro hac vice* motions at that time.

CIVIL CASES

Pretrial Procedure

1. *Pretrial Conferences*

Judge Weiner normally conducts a pretrial conference approximately 90 days after the filing of the complaint. At the initial pretrial conference, Judge Weiner expects the lawyers in attendance to be knowledgeable about the case and prepared to discuss fully the case and its possibility of settlement. Judge Weiner sets the exact date for trial at the pretrial conference. He also establishes other dates, including dates for various events on the discovery schedule, telephone conferences for status reports, settlement conferences, and the final pretrial conference. Judge Weiner does not have a standardized agenda for the initial pretrial conference, but he advises counsel at these conferences of his requirements for pretrial memoranda and jury instructions. Judge Weiner does not issue a standard pretrial order. Depending on the requirements of the particular case, Judge Weiner will schedule additional conferences as requested by counsel so long as all counsel understand that each such conference must be for the purpose of holding a productive meeting.

Continuances and Extensions

Judge Weiner will accept requests for continuances and extensions at any time that counsel or a party is experiencing hardship. Counsel may arrange a telephone conference, file a stipulation, or send a letter, with copies to all counsel, requesting a continuance or an extension. Judge Weiner decides all such requests promptly.

General Motion Practice

1. *Oral Argument on Motions*

Judge Weiner permits oral arguments on motions at the request of counsel. Scheduling of such arguments is at the convenience of the Court and counsel.

2. *Reply and Surreply Briefs*

Judge Weiner has no formal policy on reply or surreply briefs.

3. *Chambers Copies of Motion Papers*

In order to be prepared to deal with the particular issues raised by each motion, Judge Weiner requests that copies of all motion papers be sent to his chambers.

Discovery Matters

1. *Length of Discovery Period and Extensions*

Judge Weiner has no general policy on the length of time usually permitted for discovery. He tries to tailor the discovery deadline to fit the requirements of each case.

2. *Discovery Conferences and Dispute Resolution*

Other than discovery conferences scheduled in the initial pretrial conference, Judge Weiner holds discovery conferences only as requested by counsel. He permits and welcomes telephone conferences to resolve discovery disputes of all sorts, including those that arise during depositions.

3. *Confidentiality Agreements*

For uncontested confidentiality orders, counsel may submit stipulations and orders for review and approval by the Court.

4. *Expert Witnesses*

Judge Weiner does not require the preparation of written reports by expert witnesses, but he considers the preparation of such reports helpful. If a report is prepared, it is made available to all counsel. In cases in which expert witness reports are not prepared, Judge Weiner requests that counsel exchange, as soon as possible, the *curriculum vitae* of each proposed expert so that the Court can promptly resolve any problems that may arise as to whether an individual is qualified to testify as an expert. Judge Weiner usually permits and encourages counsel to take the depositions of all proposed expert witnesses in order to avoid surprises at trial.

Settlement

1. *General Approach to Settlement and Non-jury Cases*

If the parties request it, Judge Weiner will become involved in settlement negotiations

once all parties become serious about trying to resolve a case. In lieu of a full trial, Judge Weiner has found that some cases lend themselves to the use of mini-trials. He has found that mini-trials can be very successful and helpful to the parties if counsel are properly prepared.

2. *Referral of Settlement Negotiations to Another District Court Judge*

In non-jury cases, Judge Weiner will refer settlement negotiations to another District Court Judge or to a Magistrate Judge if the parties so desire.

Arbitration

1. *General Approach to Arbitration Cases*

Judge Weiner does not have any standard practices or procedures for arbitration cases that differ from cases certified as involving more than \$100,000. Judge Weiner normally does not use arbitration, because he believes that one trial is sufficient to resolve any litigated matter.

2. *Scheduling of Trial De Novo From Arbitration*

In cases involving a demand for trial *de novo* after arbitration, Judge Weiner will list such cases for trial very promptly if the parties so desire.

Proposed Final Pretrial Memoranda

1. *Required Form of Pretrial Memoranda*

Judge Weiner does not find final pretrial memoranda necessary in the average case, and he does not require the submission of lengthy pretrial memoranda in such cases. In the average case, Judge Weiner requires plaintiff's counsel to file with the Court a pretrial memorandum consisting of a single sheet of paper containing a short statement of the plaintiff's theory of the case, a list of the witnesses actually intended to be called at trial, and the plaintiff's theory of damages or any other relief that may be sought. One week later, defense counsel is required to file a pretrial memorandum consisting of a single sheet of paper setting forth the theory of defense, a list of witnesses actually intended to be called at trial, the defendant's theory of why the plaintiff is not entitled to damages or other relief sought, and matters in mitigation. In complex cases, Judge Weiner meets with all counsel and attempts to refine the issues to be tried, ensure that all documents and other exhibits are properly identified, and deal with all other matters that may help to expedite the trial. Documents, papers, etc. given a number at depositions or other pretrial proceeding do not need to be renumbered to be used at trial as long as everyone is aware of what the document, paper, etc. is.

Injunctions

1. *Scheduling and Expedited Discovery*

In matters involving requests for injunctive relief, Judge Weiner usually requires that counsel for the party seeking the injunction make arrangements to have opposing counsel present, if possible, so that a realistic date for a hearing can be set and appropriate actions can be taken to preserve the rights of the parties prior to the hearing. Depending on the circumstances of the case, Judge Weiner may permit expedited discovery in such matters.

2. *Proposed Findings of Fact and Conclusions of Law*

Counsel should submit any proposed findings of fact or conclusions of law to Judge Weiner prior to the hearing. Any additional proposed findings of fact, or conclusions of law should be submitted within one week after the hearing so that the Court can make a prompt decision.

Trial Procedure

1. *Scheduling of Cases*

Judge Weiner sets the trial date at the initial pretrial conference, which is usually held approximately 90 days after the filing of the complaint. Depending on developments in the case, Judge Weiner may change the trial date for the convenience of the Court, counsel, witnesses, or the parties.

2. *Conflicts of Counsel*

Counsel should notify Judge Weiner promptly of any professional or personal conflicts affecting the trial schedule. Such notice may be given by letter, with copies to all counsel, by arranging a telephone conference, or by motion.

3. *Cases Involving Out-of-Town Parties or Witnesses*

Judge Weiner does not have any special policy or procedure for cases involving out-of-town parties or witnesses. He will make reasonable adjustments to the schedule in such cases if requested and if justified by the facts.

4. *Notetaking by Jurors*

Judge Weiner has no objection to notetaking by jurors. If counsel have objections in a particular case, they should advise Judge Weiner promptly.

5. Trial Briefs

Judge Weiner does not require counsel to submit trial briefs, but he will review any trial briefs submitted.

6. Voir Dire

Judge Weiner usually conducts all *voir dire*, but he encourages counsel to submit proposed *voir dire* questions. After he has conducted *voir dire* of the entire panel, he invites all counsel to side bar and gives them an opportunity to state on the record any additional questions they propose. If Judge Weiner chooses not to ask any additional questions proposed by counsel, it is a matter of record that counsel have excepted to the *voir dire*.

7. Side Bars

Judge Weiner permits side-bar conferences.

8. In Limine Motions

Motions *in limine* should be submitted one week before the start of trial.

9. Examination of Witnesses Out of Sequence

Judge Weiner permits counsel to call witnesses out of turn for the convenience of counsel or for the convenience of the witnesses.

10. Opening Statements and Summations

Judge Weiner requests that opening statements by counsel be brief, but may vary depending on the complexity of the case. Judge Weiner usually asks counsel how much time they need for summation. He occasionally limits the time permitted for summation if a case does not merit a lengthy summation.

11. Examination of Witnesses or Argument by More Than one Attorney

Judge Weiner permits more than one attorney for a party to examine different witnesses or to argue different points before the Court.

12. Examination of Witnesses Beyond Redirect and Recross

Judge Weiner does not limit either redirect or recross examination of witnesses so long as the questions are not repetitive and the examination is, in the judgment of the Court, for the purpose of getting at the truth.

13. *Videotaped Testimony and Reading of Material into the Record*

Judge Weiner does not have any special practice or policy concerning the use of videotaped testimony or reading stipulations, pleadings, or discovery materials into the record. A day or two before any such material is to be presented to the jury, a transcript of the videotape or the deposition should be submitted to Judge Weiner so he can rule on all objections in advance in order to have a smooth reading of the deposition or playing of the videotape at trial.

14. *Preparation of Exhibits*

Judge Weiner requires that all exhibits be pre-marked and pre-exchanged. Counsel should provide one copy of the trial exhibits to Judge Weiner.

15. *Offering Exhibits Into Evidence*

Unless an exhibit is to be shown to the jury, counsel should offer exhibits into evidence at the close of the testimony of the witness testifying about the exhibit. When an exhibit is to be shown to the jury, counsel should offer it into evidence before it is to be shown to the jury.

16. *Motions for Judgment as a Matter of Law and Motions for Judgment on Partial Findings*

Judge Weiner will hear oral argument on motions for judgment as a matter of law (or motions for judgment on partial findings in non-jury trials) and on all other motions made by either party at the close of the plaintiff's case-in-chief and also at the close of the defendant's case.

17. *Proposed Jury Instructions and Verdict Forms*

Judge Weiner desires that, three weeks before trial, plaintiff's counsel submit to him requests for jury instructions and proposed interrogatories to the jury, along with plaintiff's pretrial memorandum. One week later, defense counsel should submit requests for jury instructions and proposed interrogatories to the jury, along with defendant's pretrial memorandum. Judge Weiner will accept additional requests for jury instructions and proposed interrogatories to the jury during trial, but all such requests should be received at least one day before closing arguments in jury cases.

18. *Proposed Findings of Fact and Conclusions of Law*

In non-jury cases, Judge Weiner desires to receive proposed findings of fact and conclusions of law from plaintiff's counsel three weeks before trial. Defense counsel should submit proposed findings of fact and conclusions of law one week later.

Jury Deliberations

1. *Written Jury Instructions*

Judge Weiner normally does not give the jury a copy of the instructions.

2. *Exhibits in the Jury Room*

If counsel desire that any exhibits go out to the jury, they should make a request for that to Judge Weiner. If there is a dispute on such requests, Judge Weiner will rule on it immediately.

3. *Handling of Jury Requests to Read Back Testimony*

If the jury requests that portions of testimony be read back or that audiotapes or videotapes be replayed, Judge Weiner will rule on each such request in consultation with all counsel.

4. *Availability of Counsel During Jury Deliberations*

Counsel may return to their offices and be available by telephone during jury deliberations.

5. *Taking the Verdict and Special Interrogatories*

If counsel desire a special verdict or answers to interrogatories by the jury, such requests should be submitted to Judge Weiner. If any disputes arise in connection with such requests, Judge Weiner will rule on them immediately.

6. *Polling the Jury*

Judge Weiner usually polls the jury in every case to be certain that the jurors are unanimous.

7. *Interviewing the Jury*

Judge Weiner has no objection to counsel interviewing jurors after the verdict has been recorded and the jury has been discharged.

CRIMINAL CASES

1. *Approach to Oral Argument and Motions*

In criminal cases, Judge Weiner urges counsel to file all motions promptly so that, if a hearing must be held, the Court can do so quickly. Judge Weiner expects to receive motions in

criminal cases not later than 30 days before the commencement of trial, if possible.

2. *Pretrial Conferences*

Judge Weiner conducts pretrial conferences in criminal cases only at the request of all counsel.

3. *Voir Dire*

Judge Weiner follows the same practice for *voir dire* in criminal cases that he follows in civil cases. He conducts all the *voir dire* and then invites counsel to side bar and permits them to suggest additional questions.

4. *Sentencing Memoranda*

Judge Weiner permits all counsel to submit sentencing memoranda whenever they consider it to be appropriate.

OTHER GENERAL MATTERS

Judge Weiner appreciates receiving copies of appellate briefs when a decision rendered by him is appealed.